

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**JORGE EDNAR APARICIO-ANGEL  
REG # 64510-004**

**CIVIL ACTION NO. 13-384  
SECTION P**

**VERSUS**

**JUDGE MINALDI**

**WARDEN OF FDC OAKDALE, ET AL**

**MAGISTRATE JUDGE KAY**

**REPORT AND RECOMMENDATION**

Before the court is a petition for writ of *habeas corpus* filed on February 21, 2013, by *pro se* petitioner, Jorge Edna Aparicio-Angel, pursuant to 28 U.S.C. §2241. When the petition was filed, petitioner was in the custody of the Department of Homeland Security/United States Immigration and Customs Enforcement (DHS/ICE). He was detained at the Oakdale Detention Center, Oakdale, Louisiana.

This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

Petitioner filed his petition seeking to have this court order his release from custody. Petitioner claimed that there was no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). The information on the Federal Bureau of Prison's website states that the petitioner was released from custody on February 28, 2013.<sup>1</sup> Thus, the court finds that his challenge to his detention is now moot and should be dismissed.

Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

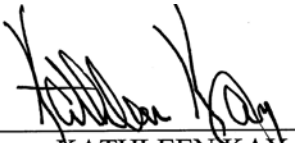
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<sup>1</sup> Federal Bureau of Prisons, <http://www.bop.gov>.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have fourteen (14) days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBTAINED TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE this 23<sup>rd</sup> day of May, 2013.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE